

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**BLANCA ECHEVARRIA,
Plaintiff,**

v.

**ANDREW SAUL,¹
Commissioner of Social Security,
Defendant.**

CIVIL ACTION

NO. 18-4942

ORDER

AND NOW, this 26th day of March, 2020, upon consideration of Plaintiff's Brief and Statement of Issues in Support of Request for Review (Doc. No. 11, filed April 6, 2019), Defendant's Response to Request for Review of Plaintiff (Doc. No. 12, filed May 3, 2019), Defendant's Motion to Stay (Doc. No. 15, filed June 20, 2019), Plaintiff's Response to Defendant's Motion to Stay (Doc. No. 16, filed June 25, 2019), and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa dated August 28, 2019 (Doc. No. 17), Defendant's Objection to the Magistrate Judge's Report and Recommendation (Doc. No. 18, filed September 5, 2019), Plaintiff's Response to Defendant's Objections to Report and Recommendation (Doc. No. 20, filed September 17, 2019), and the record in this case, for the reasons stated in the accompanying Memorandum dated March 26, 2020, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Linda K. Caracappa dated August 28, 2019, is **APPROVED** and **ADOPTED** to the extent it recommends remand of

¹ Andrew Saul became the Commissioner of Social Security on June 17, 2019. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Andrew Saul is substituted for Acting Commissioner Nancy A. Berryhill as the defendant in this suit.

the case for a *de novo* hearing before a different, constitutionally appointed administrative law judge;

2. Defendant's Objection to the Magistrate Judge's Report and Recommendation is **OVERRULED**;

3. Plaintiff's Request for Review is **GRANTED IN PART AND DENIED IN PART**, as follows:

a. That part of plaintiff's Request for Review seeking remand to the Commissioner for a new hearing before a different, constitutionally appointed administrative law judge is **GRANTED**.

b. Plaintiff's Request for Review is **DENIED** in all other respects.

4. Defendant's Motion to Stay is **DENIED AS MOOT**;

5. The matter is **REMANDED** to the Commissioner, pursuant to 42 U.S.C. § 405(g), for a *de novo* hearing before a different, constitutionally appointed administrative law judge.

IT IS FURTHER ORDERED that the Clerk of Court shall **MARK** the case **CLOSED**.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.